S.B. CIVIL WRIT PETITION NO.2032/2003
Nand Lal
vs
Municipal Board, Rajaldesar & Anr.

DATE OF ORDER:16.5.2006.

HON'BLE MR.R.C. GANDHI, J.

Mr.Anil Bhandari, for the petitioner.
Mr. Mukesh Rajpurohit, for the respondents.

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The petitioner was appointed as class -IV employee of the respondents. He retired from service on 30th May, 2001. His retiral benefits have not been paid. The petitioner seeks by means of this petition the release of payment of GP fund, leave encashment and arrears of salary with 18% interest.

The respondents in their reply have stated as under: -

> " The petitioner had been paid the amount of gratuity amounting to RS.55,500/- by 24.4.2002.
>
> In the same manner, the amount of the General Provident Fund which was deducted from the salary of the petitioner had bee paid to him. As regards earned leave it is submitted that there was balance of 54 days leave in faovur of the petitioner for which an amount of Rs.9472/- has been paid to the petitioner on 31.3.2002.
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> As regards the amount of arrears it is submitted that the payment of arrears has been made to the petitioner by 14.10.2003 including the arrears of recommendations of the 5th Pay Commission and selection grade w.e.f. 1.1.1997. The petitioner has been paid total Rs.14,222/- towards

> arrears till 14.10.2003. It is relevant to submit here that the amount of the contributory provident fund too has been paid in cash to the petitioner"

Now the grievance of the petitioner survives for payment of interest only.

Heard learned counsel for the parties and perused the record.

It is made out from the pleadings that the petitioner immediately after the retirement has not been paid retiral benefits, which should have been paid within a period of three months from the date of retirement in terms of the judgments of this Court. The petitioner is claiming interest on GPF, leave encashment and arrears of salary. The arrears of salary is not the retiral benefits. The petitioner is, therefore, entitled to the interest on retiral benefits to the extent of only GP fund and leave encashment in view of the judgments of this court.

Accordingly, the writ petition is allowed to that extent directing the respondents to make payment of interest @ 6% to the petitioner from three months hence from the date of retirement of the petitioner.

(R.C. Gandhi), J.

c.p.goyal/-